

**COUNTY OF KAUAI**

Minutes of Meeting

**OPEN SESSION**

Board/Commission	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>July 19, 2018</b>
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:37 p.m.
Present	Chair William Gibson; Vice Chair Paul Endo; Members: Shirley Akita, Maryanne Kusaka, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura		
Excused	Jean Iida		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Gibson called the meeting to order at 4:00 p.m. with 6 members present, constituting a quorum.
<b>Roll Call</b>	Director Rapozo called roll, noting 6 members were present.	
<b>Approval of Agenda</b>		Ms. Akita moved to approve the agenda. Mr. Pacheco seconded the motion. Motion carried 6:0.
<b>Approval of Minutes</b>	<u>APPROVAL OF MEETING MINUTES:</u>  a) Open Session minutes of June 28, 2018 b) Executive Session minutes of June 28, 2018	Mr. Matsunaga moved to approve the Open and Executive Session minutes of June 28, 2018. Mr. Pacheco seconded the motion. Motion carried 6:0.
<b>1.</b>	<u>VIOLATION HEARING:</u>  <u>OASIS ON THE BEACH:</u> Violation of Rule 7.8 Manager on Duty, qualifications.  The licensee was represented by Paul Kyno, and Stefan Mandel, members of the LLC; no counsel. The licensee denied the charges.  Mr. Mandel explained the reason they are denying the charges is because they did have a blue card holder on premises at the time, but he did not physically have his blue card on him at the time. The work schedule that was	

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	<p>posted reflected that person was on duty, and had a blue card. Mr. Mandel stated they received mixed messages from the investigators and wanted to clarify two things: 1) Whether or not the blue card holder must have their blue card on their person at the time they are on duty; 2) Whether or not the manager on duty always has to be on the dining room floor, or if it is okay that they are within the licensed premises.</p> <p>Director Rapozo read Rule 7.8 (a) into the record, pointing out that the person in active charge of the premises can be in other areas of the licensed premises, but they cannot be performing other duties, such as cooking, that would otherwise remove them from being in active charge of the sale and service area.</p> <p>In response to Chair Gibson, Mr. Mandel explained they usually have multiple people in charge: a general manager when available, a floor manager, and lead servers that act as managers; so there is always someone in charge. On the date this particular violation was issued, Mr. Henry Campbell, who is a registered blue card holder, and who was listed on the work schedule, was present on the floor as the lead server. The manager at the host desk that the investigator spoke to was a manager in training. Since being issued this violation, all of the managers that were in training have gotten their blue cards.</p> <p>For clarification, Director Rapozo again stated that the blue card holder must be in active charge of the premises, so if they are running to a storage area that is part of the licensed premises, that is acceptable. However, if they are in another area such as the kitchen, and are performing duties such as cooking that would make them unable to be in active charge of the sale and service area that is not acceptable. He pointed out that the investigators report states that the manager in charge, Sharon Snuggs, left the premises for</p>	

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	<p>supplies. Mr. Mandel acknowledged that Ms. Snuggs was getting supplies, but Mr. Campbell was on the floor and left in charge during her absence. He did not have his card physically on him, but he is listed as a registered blue card holder. Director Rapozo stated for clarification that it is not a violation to not have the blue card on your person.</p> <p>Commissioner Akita asked to clarify that the manager in charge was on the schedule but not in the premises, to which Mr. Mandel explained that both Ms. Snuggs and Mr. Campbell were on the schedule, and that Ms. Snuggs left to get supplies, but that Mr. Campbell was left in charge and was present on the floor. Mr. Mandel also stated that Mr. Campbell did speak to Investigator Alisha Brown and was told that he had to have the blue card on his person, and then proceeded to issue the violation.</p> <p>Commissioner Endo asked who Alice Gish is, as noted in the investigators report. Mr. Mandel stated Ms. Gish was the manager in training, but she is now registered as a blue card holder. Commissioner Endo noted there is no mention of Mr. Campbell in the report, stating that if he was on duty, it would not have been a violation since he was the manager on duty.</p> <p>Commissioner Matsunaga stated for clarification that there were two individuals with a blue card, Sharon Snuggs, and Henry Campbell. Ms. Snuggs was off getting supplies, and Mr. Campbell was on the floor within the licensed premises, but did not have his card on him. Commissioner Matsunaga asked if the licensee could provide an affidavit from Mr. Campbell to confirm that he was on duty, actively in charge, and that he spoke to Investigator Brown, informing her that he was a blue card holder.</p> <p>Commissioner Akita noted that since Investigator Brown has since resigned, they are unable to clear up the issue of whether or not she spoke with Mr.</p>	

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	<p>Campbell. The licensee agreed to provide an affidavit as requested.</p> <p>Commissioner Kusaka noted that this is the licensee's first offense for having been in operation for eight years, and she feels they have been very cautious.</p>	<p>Ms. Kusaka moved that the violation be dismissed. Ms. Akita seconded the motion. Motion carried 6:0.</p>
<p>2.</p>	<p><u>PUBLIC HEARING:</u></p> <p><u>AVALON GASTROPUB:</u> Application No. 2018-175 was filed on June 13, 2018 for a transfer of Restaurant General License No. 2G-004 from Monico's Taqueria LLC dba Monico's Taqueria to AG Avalon LLC dba Avalon Gastropub located at 4-356 Kūhi'ō Highway, Kapaa, Kauai, Hawaii.</p> <p>The licensee was represented by Mr. Gabriel Avalon, owner.</p> <p>The public hearing was closed.</p>	<p>Mr. Pacheco moved to approve Application No. 2018-175. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATOR'S REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Craft Brew Alliance</p> <p>(2) From Avid Marketing Group</p> <p>(3) Bobby V's</p> <p>(4) Disturbance Reports from Kauai Marriott &amp; Beach Club, Port Allen Sunset Grill &amp; Bar, and St. Regis Princeville Resort</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p>	

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	<p>(1) To Craft Brew Alliance (2) To Avid Marketing Group</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) DUKE’S CANOE CLUB (2) FOODLAND PRINCEVILLE (3) KAUAI MARRIOTT RESORT AND BEACH CLUB (4) PRINCEVILLE WINE MARKET (5) ROB’S GOOD TIMES GRILL (6) SAFEWAY Līhu‘e: (7) TROY’S (8) THE WINE SHOP (9) WRANGLER’S RESTAURANT (10) KAUAI HIGH SCHOOL ALUMNI FOUNDATION (11) MARK’S PLACE (12) KAUAI CHAMBER OF COMMERCE (13) KAUAI UNITED WAY (14) NATIONAL TROPICAL BOTANICAL GARDEN</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to accept items 3(a) through 3(f). Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
4.	<u>RENEWAL OF LIQUOR LICENSES:</u> See Attachment “B”	Mr. Endo moved to approve the renewal of liquor licenses. Mr. Pacheco seconded the motion. Motion carried 6:0.
5.	<u>RENEWAL OF ANNUAL PERMITS:</u> See Attachment “C”	Mr. Endo moved to approve the renewal of annual permits. Mr. Pacheco seconded the motion. Motion carried 6:0.

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6.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p>a) <u>WAIMEA PLANTATION COTTAGES:</u> Removal of Christopher Faye as Director, and Carol Resinto as Assistant Treasurer; Addition of Laurel Loo as Director</p> <p>b) <u>WAINIHA GENERAL STORE:</u> Removal of Kailialoha Olanolan as Vice President and stockholder, and Mandy Hadley as stockholder; Addition of Janet Mello as stockholder.</p> <p>c) <u>AOAO HANAIEI BAY RESORT:</u> Removal of Geoffrey King as Director, Michael Rembis as President, Deborah Fraga-Decker as Director, and David Blank as Vice President; Addition of Geoffrey King as President, Michael Rembis as Vice President, Deborah Fraga-Decker as Secretary, and Chrislynn Freed as Treasurer.</p> <p>d)</p>	<p>Ms. Akita moved to accept the change in corporate officers. Mr. Endo seconded the motion. Motion carried 6:0.</p> <p>Mr. Endo moved to accept the change in corporate officers. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p>Ms. Akita moved to accept the change in corporate officers. Mr. Endo seconded the motion. Motion carried 6:0.</p>
7.	<p><u>PERMANENT DECREASE OF PREMISES:</u></p> <p><u>LAVA LAVA BEACH CLUB:</u> Request for Permanent decrease of premises to exclude the pool area.</p>	<p>Mr. Endo moved to approve the alcohol purchase permit. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
8.	<p><u>VIOLATION REPORT:</u></p> <p><u>MARIACHI'S MEXICAN CUISINE:</u> Violation of Rule 7.8 Manager on duty, qualifications.</p>	<p>Ms. Akita moved to call the licensee for violation hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
9.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>ISHIHARA MARKET:</u> Application No. 2018-247 was filed on June 22, 2018 for a transfer of Retail Dealer General License No. 4G-024 from Ishihara Market, Limited dba Ishihara Market to The Kalama Beach Corporation dba Ishihara Market located at 9894 Kaumuali'i Highway, Waimea, Kauai, Hawaii.</p>	<p>Ms. Akita moved to accept Application No. 2018-247 for publication and public hearing. Mr. Pacheco seconded the motion. Motion</p>

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		carried 6:0.
<b>10.</b>	<p><u>TEMPORARY LIQUOR LICENSE:</u></p> <p><u>ISHIHARA MARKET:</u> Application No. 2018-316 was filed on June 22, 2018 by The Kalama Beach Corporation dba Ishihara Market for a temporary liquor license to operate Retail Dealer General License No. 4G-024 located at 9894 Kaumuali'i Highway, Waimea, Kauai, Hawaii.</p>	Ms. Akita moved to approve Application No. 2018-316 for a temporary liquor license. Mr. Pacheco seconded the motion. Motion carried 6:0.
<b>11.</b>	<p><u>NEW LIQUOR LICENSE:</u></p> <p>a) <u>HEALTHY HUT:</u> Application No. 2018-157 was filed on June 8, 2018 by Healthy Foods LLC dba Healthy Hut for a New Retail Dealer General license at 4480 Hookui Road, Kīlauea, Kauai, Hawaii. Deposited \$450.</p> <p>b) <u>SOUTH EAST ASIA CUISINE KAUAI:</u> Application No. 2019-001 was filed on July 3, 2018 by South East Asia Kauai LLC dba South East Asia Cuisine Kauai for a New Restaurant General (live entertainment and dancing) license at 3501 Rice Street, Suites 2012-2013, Līhu'e, Kauai, Hawaii. Deposited \$450.</p> <p>c) <u>KAUAI DISTILLING COMPANY:</u> Application No. 2019-002 was filed on July 12, 2018 by LBD Coffee, LLC dba Kauai Distilling Company for a New Wholesale Dealer General license at 6200 Kawaihau Road, Unit B, Kapaa, Kauai, Hawaii. Deposited \$450.</p>	<p>Mr. Endo moved for publication and public hearing of Application No. 2018-157. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p>Ms. Akita moved for publication and public hearing of Application No. 2019-001. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p>Ms. Akita moved for publication and public hearing of Application No. 2019-002. Mr. Endo seconded the motion. Motion carried 6:0.</p>
<b>Return to Open Session</b>		The meeting resumed in Open Session at

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<b>Announcements</b>	Next Scheduled Meeting: Thursday, August 2, 2018 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
<b>Adjournment</b>		Chair Gibson adjourned the meeting at 4:37 p.m.

Submitted by: \_\_\_\_\_  
Cherisse Zaima, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
William Gibson, Chair

( ) Approved as circulated.

( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.